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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re	) Case No. 2:17-bk-23651-NB
)
	) Chapter 13
Letitia Louise Wellington,)
	) OBJECTION TO CONFIRMATION OF
Debtor.	) CHAPTER 13 PLAN
)
	) 341(a) Meeting of Creditors:
	) Date: 12/15/2017
	) Time: 08:00 AM
	) Place: Suite 1050 – Room 1
	) 915 Wilshire Boulevard
	) Los Angeles, CA 90017
	) Confirmation Hearing:
	) Date: 3/8/2018
	) Time: 9:30 AM
) Ctrm: 1545, 15 th Floor
) Place: 255 E. Temple Street
) Los Angeles CA
)
) Judge: Neil W. Bason
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)
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)

1 MTGLQ Investors, LP, its assignees and/or successors, by and through its servicing agent
2 Rushmore Loan Management Services LLC, ("Secured Creditor") in the above-entitled
3 Bankruptcy proceeding, hereby submits the following Objections to Confirmation of the Chapter
4 13 Plan proposed by ("Debtor") Letitia Louise Wellington.

5 1. Secured Creditor is entitled to receive payments pursuant to a Promissory Note
6 which matures on 6/1/2038 and is secured by a Deed of Trust on the subject property commonly
7 known as 1353 Hauser Boulevard, Los Angeles, CA 90019. As of 11/4/2017, the approximate
8 amount in default was \$48,561.59. A Proof of Claim detailing the arrearages is forthcoming and
9 will be filed on or before the claims bar date; however, Secured Creditor submits the following
10 objections to timely preserve its rights and treatment under the proposed Plan

11 2. The proposed Plan does not provide for pre-petition arrearages owed to Secured
12 Creditor. To cure the pre-petition arrearages of \$48,561.59 over the term of the Plan within 60
13 months, Secured Creditor must receive a minimum payment of \$809.35 per month from the
14 Debtor through the Plan. Although Debtor does not provide for payments to Secured Creditor,
15 Debtor's Plan provides for payments to the Trustee in the amount of \$100.00 per month for 60
16 months. Debtor does not have sufficient funds available to cure the arrears over the term of the
17 Plan within 60 months. Therefore, the Plan is not feasible. A true and correct copy of Debtor's
18 Schedules I and J are attached hereto as **Exhibit "1"**.

19 3. The Debtor's plan proposes to pay unsecured creditors ahead of the secured claim
20 of the objecting Creditor. Such a proposal is not allowed and Secured Creditor objects to such a
21 plan. Accordingly, the plan should not be confirmed.

22 4. Unless otherwise ordered, under 11 U.S.C. § 1326(a)(1), the Debtor shall
23 commence making the payments proposed by the Plan within 30 days after the Petition is filed.
24 The Plan must comply with all applicable provisions of 11 U.S.C. § 1325 to be confirmed. As
25 such, the Plan cannot be confirmed.

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CONCLUSION

Any Chapter 13 Plan proposed by the Debtor must provide for and eliminate the Objections specified above in order to be reasonable and to comply with applicable provisions of the Bankruptcy Code. Secured Creditor respectfully requests that confirmation of the Chapter 13 Plan as proposed by the Debtor be denied, or in the alternative, be amended to provide for full payoff of the arrearages owed to Secured Creditor.

WHEREFORE, Secured Creditor prays as follows:

1. That confirmation of the Proposed Chapter 13 Plan be denied, or in the alternative, be amended to provide for full payoff of the arrearages owed to Secured Creditor within 60 months;

2. For attorneys' fees and costs herein,

3. For such other relief as this Court deems proper.

Respectfully submitted,

McCarthy & Holthus, LLP

2/12/2018

By: /s/ Merdaud Jafarnia
Merdaud Jafarnia, Esq.
Attorney for Secured Creditor

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
1770 Fourth Avenue
San Diego, CA 92101

A true and correct copy of the foregoing document entitled (*specify*): **OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 2/14/2018, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

TRUSTEE

Kathy A Dockery (TR)
efiling@CH13LA.com

DEBTOR(S) COUNSEL

Scott Kosner
tyson@tysonfirm.com

US TRUSTEE

ustpregion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 2/13/2018, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR(S)

Letitia Louise Wellington, P.O. Box 351000, Los Angeles, CA 90035

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

2/13/2018

Date

Hue Banh

Printed Name

/s/ Hue Banh

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

ADDITIONAL SERVICE INFORMATION

BORROWER(S)

Amos O Wellington, 1353 Hauser Boulevard, Los Angeles, CA 90019